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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,293	12/21/2001	Robert Palmquist	1011-001US01	8120

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/026,293

Applicant(s)
PALMQUIST

Examiner
Patrick N. Edouard

Art Unit
2654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 4 6) ☐ Other:

Art Unit: 2644

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chong (5,525,120).

As per claim 1, Chong et al teach a method comprising (figures 1, 2 and 3):

“Transmitting an image containing text into a first language over a network” (his telecommunication A comprising fax modem, his printed page, his network and his interactive, col. 6, lines 6, lines 32-47); and

“Receiving a translation of the text in a second language over the network” (his machine translation 20, his output module 30 , col.5, line 61 to col. 6, line 14).

As per claim 3, Chong et al teach further comprising displaying the image(col. 6, lines 32-55, his OCR).

Art Unit: 2644

As per claim 4, Chong et al teach displaying the image and displaying the translation of the text in the second language simultaneously” (col. 19, lines 15 to col. 20 lines 4)

As per claim 5, Chong et al teach establishing a wireless connection with the network (col. 19, lines 55-65).

As per claim 6, Chong et al teach wherein the first image containing first text, the method comprising”

“Transmitting a second image containing second text in the first language over the network ”; (his telecommunication link A); and

“Receiving translation of the first text and the second text in the second text over the network” (his machine translation 20 and his output module 30).

As per claim 6, Chong et al teach transmitting the first image and the second image over a network in response to a single command from a user (col. 6, lines 31-55).

As per claim 8, Chong et al teach displaying one of the translation of the first text and the translation of the second text in response to a command from a user (col. 19, lines 14-26).

As per claim 9, Chong et al teach compressing the image (col. 6, line 30-47).

As per claim 10, Chong et al teach receiving the image from an image capture device (col. 7, lines 4-20).

As per claim 11, Chong et al teach prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an

Art Unit: 2644

identification of the second language, a dictionary and a server location (col. 6, line 56 to col. 7, lines 3, col. 7, line 32 to col. 8, line 3)

As per claim 12, Chong et al teach one of a wireless telecommunication network, a cellular telephone network... and the Internet (figure 1).

4. Claims 1, 3-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi et al (5,701,497)

As per claim 1, Yamauchi et al teach a method comprising (figure 1):

“Transmitting an image containing text into a first language over a network” (his sheet in and his scanner 1)

“Receiving a translation of the text in a second language over the network” (his translate 9 and bitmap exp 10).

As per claim 3, Yamauchi et al teach further comprising displaying the image(his scanner 1)

As per claim 4, Yamauchi et al teach displaying the image and displaying the translation of the text in the second language simultaneously” (his plotter 11, col. 4, lines 45-52)

As per claim 5, Yamauchi et al teach establishing a wireless connection with the network (his telecommunication apparatus, figure 1)).

As per claim 6, Yamauchi et al teach wherein the first image containing first text, the method comprising”

Art Unit: 2644

“Transmitting a second image containing second text in the first language over the network”; (his scanner 1); and

“Receiving translation of the first text and the second text in the second text over the network” (his translate 9, his bit map 10 and his plotter 11).

As per claim 6, Yamauchi et al teach transmitting the first image and the second image over a network in response to a single command from a user (col. 4, lines 45-52).

As per claim 8, Yamauchi et al teach displaying one of the translation of the first text and the translation of the second text in response to a command from a user (his plotter 11, col. 4, lines 36-45).

As per claim 9, Yamauchi et al teach compressing the image (his encoder 2).

As per claim 10, Yamauchi et al teach receiving the image from an image capture device (his sheet in and his scanner 1).

As per claim 11, Yamauchi et al teach prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (col. 2, lines 47-53).

As per claim 12, Yamauchi et al teach one of a wireless telecommunication network, a cellular telephone network... and the Internet (figure 1).

Art Unit: 2644

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (5,535,120).

It is noted that Chong et al teach the claimed invention but does not explicitly teach capturing the first image, receiving instructions to edit the image and editing the first image to generate the second image. However, capturing an image using for instance a camera, and editing the image are well known in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to capture and edit the image because it would provide an image that the recognizer for instance a scanner is able to recognize with less degree of ambiguity and therefore would improve the translation process of the image .

7. Claims 13-27 are the same in scope and content as claims 1-12 above and therefore are rejected under the same rationale.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2644

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

The facsimile phone number for this Art Unit is (703) 305-9508. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

July 24, 2003



PATRICK N. EDOUARD
PRIMARY EXAMINER